

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT COURT OF APPEALS  
RECEIVED

Ex parte, Tony Fountain #152152  
Plaintiff,

(In RE) Tony Fountain #152152  
Defendant,

VS.

DR. PRASANT (L. J.)  
Defendants.

2007 JUN 14 A 9:50

District Court Case No.:  
2:06-cv-548-M.H.T  
FILED DISTRICT ALA.

Eleventh Circuit Court  
Case No.: \_\_\_\_\_

## MOTION FOR GOOD CAUSE SHOWN

Comes now, Tony Fountain, by and through himself  
hereby filed (t) his motion for good cause shown.  
Plaintiff asserts the following facts in support of  
(t) his motion to wit:

- 1). Plaintiff's contends he filed a motion  
to transfer pursuant to 28 U.S.C. § 1631  
with the United States District Court for  
the Middle District of Alabama, requesting  
it to transfer the above styled cases to  
this court in order to cure a jurisdiction  
question on the issues of whether a United  
States Magistrate Judge has the Authority to  
decide a depositive matter. Without the  
review and adoption of the District Court

Judge adopting the Magistrate Order & Consent of the parties. Filed on June 12<sup>th</sup> 2007 into the Middle District Court of Alabama.

2). In which plaintiff moves this Honorable Court to answer the questions "whether or not A Magistrate Judge has the authority to issue a Deposition Order, granting Plaintiff in forma pauperis status, absent the Review and Adoption of the District Court Judge 28 U.S.C. § 636(b) And/or without the Consent of the parties pursuant to 28 U.S.C. § 636(c).

Trippitt v. Rison 842 F.2d. 548 (CA9 1988);

Ambrose v. Welch 723 F.2d. 1084 (4th Cir. 1984).

Also see United States v. Riddick 442 US 667,

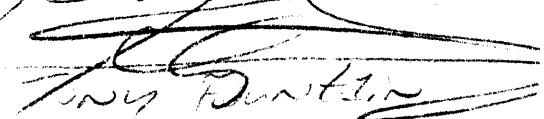
~~65~~ 65 L. Ed. 2d. 424. Plaintiff contends this question

is one of First Impression for this Court on a Deposition matter that was decided ~~without~~<sup>by</sup> a Magistrate, absent the Review and Adoption of the District Court Judge or Consent of the parties.

(Magistrate Order of August 2 2006 granting him in forma pauperis status, and ordering plaintiff to pay the sum of \$350.00 on or before August 10 2006 or his actions would be dismissed for failure to pay the said sum.)

Wherefore plaintiff prays that this Honorable Court grant this motion as law and justice requires.

Done on this 12<sup>th</sup> day of June 2007.

  
Tony Hamilton

## CERTIFICATE OF SERVICES

I hereby certify, that I have served a true and correct copy upon the following:

Office of United States  
District Court, P.O. Box 711, Montg. AL 36101-07

to  
Office of the Attorney General  
11<sup>th</sup> South Union  
Montg. AL 36130

to  
Office of Dorinda L. Harper, Mills &  
Mullins P.C. 22 Inverness Center  
Parkway, Suite 200, P.O. Box 530590  
Birmingham, AL 35253-0590

by placing the same in the U.S. Mail on this  
10<sup>th</sup> day of June 2007.

Emberly

